



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : June 26, 2002  
Nimrod Megiddo et al. : Group Art Unit: 2644  
Serial No.: 10/034,477 : Examiner: Unknown  
Filed: December 28, 2001 : San Jose, California  
Attorney Docket No.: ARC920010058US1

Title: METHOD AND SYSTEM FOR SEARCHING  
AND RETRIEVING DOCUMENTS

**PETITION TO WITHDRAW  
NOTICE OF INCOMPLETE  
NONPROVISIONAL APPLICATION**

**RECEIVED**

**JUL 29 2002**

**Technology Center 2600**

Box DAC  
Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, DC 20231

Dear Sir:

This petition is being filed in response to a Notice of Incomplete Nonprovisional Application (copy attached) mailed by the Initial Patent Examination Division of the USPTO for the above-identified patent application, as detailed below.

Applicants' representative filed a patent application entitled "Method and System for Searching and Retrieving Documents" by Express Mail (label ET001800719US) on December 28, 2001. This application, which is properly referenced by attorney docket number ARC920010058US1, names Nimrod Megiddo, Andrew S. Tomkins, and Shivakumar Vaithyanathan as inventors.

The application included twenty-four pages of specification, claims, and abstract, along with four pages of formal drawings, and fourteen claims. The claims commence on a separate sheet as required by 37 CFR 1.75(h), and lines of the specification, claims, and abstract are 1-1/2 spaced as required by 37 CFR 1.52(b). The abstract is on a separate sheet, as required. The application was accompanied by an unexecuted copy of a declaration and power of attorney. The USPTO subsequently mailed a return postcard to Applicants' representative indicating the receipt of these items and including a stamp with the 12/28/01 filing date and serial number 10/034,477.

Unfortunately, the transmittal sheet that was originally sent with the above-identified application included a typographical error. The attorney docket number was incorrectly given as ARC920010061US1 instead of ARC920010058US1. This error was caused by Applicants' representative when filing two patent applications on the same day. The ARC920010061US1 application is U.S. Ser. No. 10/034,317, and is unrelated to ARC920010058US1 although it does happen to have two inventors in common.

On January 21, 2002, Applicants' representative filed an Information Disclosure Statement for the ARC920010058US1 patent application, and filed a second Information Disclosure Statement for the application on February 4, 2002. At that time, no serial number for the application was known to Applicants' representative, so the application was identified by the ARC920010058US1 docket number.

On February 7, 2002, the USPTO mailed a filing receipt and a Notice to File Missing Parts of Nonprovisional Application, including a confirmation number of 2173. The filing receipt and Notice listed the attorney docket number as ARC920010061US1 instead of ARC920010058US1. Applicants' representative was first made aware of the typographical error on the transmittal sheet at this time, and filed a request for a corrected filing receipt on February 19, 2002 to ensure the correct attorney docket number ARC920010058US1 was associated with U.S. Ser. No. 10/034,477. The USPTO mailed a corrected filing receipt on March 12, 2002.

On April 5, 2002, Applicants' representative filed an executed declaration and power of attorney in response to the Notice to File Missing Parts, along with an assignment and recordation, and an authorization to charge payment for any additional filing fees required under 37 CFR 1.16 or any patent application processing fees under 37 CFR 1.17 to assignee's Deposit Account No. 09-0441. The USPTO mailed an updated filing receipt and Notice of Recordation on April 18, 2002, indicating that all fees due for the patent application were timely paid.

The USPTO mailed a Notice of Incomplete Nonprovisional Application on June 5, 2002, citing attorney docket number ARC920010058US1 as being U.S. Ser. No. 10/081,158 with a filing date of February 25, 2002 and a confirmation number of 9099. This Notice immediately drew the attention of Applicants' representative, as not only was the 10/081,158 serial number unfamiliar and the filing date and confirmation number incorrect, but the substantive assertions regarding the incompleteness of the ARC920010058US1 patent application were also incorrect. A telephone call to the Initial Patent Examination Division Customer Service Center helped clarify the situation.

Evidently, the USPTO interpreted receipt of either one or both of the Information Disclosure Statements filed for the ARC920010058US1 patent application as being a new patent application filing. This interpretation is incorrect, and the new serial number 10/081,158 should not have been assigned, and no further new serial numbers should be assigned to ARC920010058US1. Applicants' representative requests a refund of the petition fee, as the USPTO was advised of the initial typographical error, and appropriate corrective measures had long since been taken. Applicants' representative is prepared to transmit complete copies of all documents as may be required to clarify the situation and assure proper prosecution of the patent application.

Applicants' representative thus petitions the USPTO to:

- (1) verify that the December 28, 2001 filing date for the ARC920010058US1 patent application is valid.
- (2) verify that all required fees for the ARC920010058US1 patent application have been timely paid.
- (3) verify that U.S. Ser. No. 10/034,477 is the serial number to be correctly associated with the ARC920010058US1 patent application.
- (4) verify that the Information Disclosure Statements filed for the ARC920010058US1 patent application will be made available to the Examiner in accordance with Applicants' duty of candor.
- (5) withdraw the Notice of Incomplete Nonprovisional Application for ARC920010058US1.
- (6) terminate any further proceedings for U.S. Ser. No. 10/081,158, and assign no further serial numbers to attorney docket number ARC920010058US1 based on a misinterpretation of any Information Disclosure Statement as being a new patent application.
- (7) verify that the ARC920010058US1 patent application is complete, e.g.:
  - (a) an unexecuted declaration and power of attorney was filed with the application naming the inventors.
  - (b) the executed declaration and power of attorney was timely filed in response to the Notice of Missing Parts.
  - (c) the application includes at least one claim.
  - (d) the filing fee has been paid.
  - (e) the application is formal as:
    - the claims commence on a separate sheet;
    - the specification, claims, and abstract are 1-1/2 spaced; and
    - the abstract is on a separate sheet.
- (8) refund the petition fee.

Respectfully submitted,

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